TOWNSHIP OF BERKELEY HEIGHTS UNION COUNTY, NEW JERSEY COUNCIL MEETING HELD AUGUST 12, 2014

CALL TO ORDER

At 7:00 p.m. Mayor Bruno called the meeting to order and stated that adequate notice of this meeting has been provided by posting the same on the bulletin board of Town Hall and forwarding a copy to the Courier News and Star Ledger at least forty-eight hours prior to the meeting, all in accordance with the Open Public Meetings Act. This meeting will not go substantially past 10:30 p.m.

ROLL CALL

Mr. Delia, Mr. Hall, Mr. Woodruff, Mr. Pastore, Mrs. Kingsley and Mayor Bruno answered present. Mr. Pirone was absent. Also present was Township Attorney Joseph Sordillo, Township Administrator Linda Cavanaugh and Township Clerk Ana Minkoff.

Mayor Bruno announced the order of the meeting would be changed and the Executive Session would be held at the end of the meeting. Mayor Bruno also explained the procedures for the public to speak.

FLAG SALUTE

Mayor Bruno asked everyone present to stand as he led the Flag Salute.

CONFERENCE SESSION

Andrew Friedlander - Eagle Scout

Andrew Friedlander made a presentation to the Mayor and Township Council regarding his project. He explained his Eagle Scout project is to place seven signs at historical sites in the Township. He went on to explain all of the details and requested approval from the Township Council and asked that they pass a resolution to accept these signs.

Discussion on parking regulations by the High School

Mrs. Cavanaugh gave a brief history of what has been going on with the parking situation by the High School. She went on to read a prepared statement regarding the parking situation.

Mr. Woodruff asked the Mayor if he has reached out to the Board of Education and advised them of tonight's proceeding and asked them to have a representative present.

Mayor Bruno responded he met with the superintendent a few weeks ago and he told her we would be talking about the parking on Sussex Road and she said she would see if a few members of the board could be present.

Presentation was made by Lt. Dietch and he gave some background information and spoke about the parking issues on Sussex Road.

Presentation was made by Mike Mistretta of Harbor Consultants. Mr. Mistretta explained the traffic study of this area and the parking regulations. He explained his findings and recommendations.

Mrs. Cavanaugh also spoke about the recommendations for the parking regulations.

Discussion continued with Mayor and Township Council. Mr. Mistretta answered questions from the Mayor and Council.

Mayor Bruno opened the meeting to the members of the public for questions regarding this issue only.

Rosemarie Genco of 31 Sussex Road spoke about the commuter parking and she said we are more restrictive around the train station area for residents and commuters then we are being restrictive for students parking on different streets.

Noel Genco of 31 Sussex Road spoke about the traffic study that was done and he gave his opinion. He said if we get lucky maybe the Board of Education will cooperate. He suggested two hour parking on Sussex Road and explained further.

Stephen Yellin of 130 Dogwood Lane asked Mr. Mistretta if the practice field at the back of the school could be used for parking.

Mr. Mistretta responded to Mr. Yellin's question and gave his opinion for that area.

Mr. Yellin said his concern is if the field is used after school and that cars will still be parked there.

The discussion continued.

Gary Peters of 39 Sussex Road thanked Sgt. Dietch for all of the time he has put in with this project. Mr. Peters said what bothers the Sussex Road residents is parking in front of driveways and the difficulty getting out with the parking on one side of the road. He said maybe the signs and stripping will help but in long term this resolution does not really help Sussex Road at all. Mr. Peters hopes that the Board of Education opens up a little more to some of the extra possibilities.

Doug Reinstein said this represents a good compromise and it seems like a reasonable solution. Mr. Reinstein asked Mrs. Cavanaugh what she was referring to when she said the Board of Education had implemented open policies.

Mrs. Cavanaugh responded she was referring to open campus and the lottery system. She explained further in more detail.

The discussion continued in length. Mr. Reinstein continued with his comments.

Presentation by Berkeley Heights Developers, LLC regarding 428-434 Springfield Avenue

Stephen Hale of Hale & Hale representing Berkeley Developers, LLC gave a presentation for developing 428-434 Springfield Avenue the former Kings shopping center. The development would be for a luxury multi-family complex at that site. He added they are looking at a redevelopment plan.

Dean Marchetto, Architect and Planner specializing in downtown development projects also gave a presentation with a slide show on the redevelopment of the site.

A short recess was taken at 8:40 p.m and the meeting resumed at 8:47 p.m.

Ted Romankow gave a presentation on the Renovation of Memorial Park

Mr. Romankow gave a presentation on the renovation of the Memorial in Memorial Park. Mr. Romankow gave some history on the memorial and said over the years it has fallen in disrepair. Mr. Romankow went on to talk about the plans for renovation of the memorial and replacing and redoing the landscaping.

He urged the Council to support this project.

Mayor Bruno said this is a worthwhile project and the goal is to have this completed for Memorial Day next year.

APPROVAL OF MINUTES

Moved by Mr. Delia to approve the following Township Council minutes, seconded by Mr. Pastore and upon roll call vote:

Public Meeting - July 22, 2014

Executive Session – July 12, 2011, October 18, 2011, August 23, 2011, September 20, 2011, October 4, 2011, November 14, 2011, December 6, 2011, December 20, 2011.

Ayes: Mr. Delia, Mr. Hall, Mr. Woodruff, Mr. Pastore and Mrs. Kingsley

Nays: None Abstain: None Absent: Mr. Pirone

TOWNSHIP COUNCIL REPORTS

Mr. Delia said he spoke to Fire Chief Delia and Tony Padovano regarding some issues with the ceiling and the apron at the Firehouse. He also spoke to them about the grants that were received. Mr. Delia thanked the Fire Department members and Mrs. Nancy Renzulli for all their work with the grant.

Mr. Hall gave an update on the land swap with Little Flower Church. He added when Little Flower approached the governing body to consider a land swap we thought this was an option and a way to approach all of the infrastructure issues which have not been addressed with the town buildings. Mr. Hall said we have engaged professionals for this purpose and now would like to present the findings to the residents. Mr. Hall said the schedule of public hearings dates are tentatively scheduled for September 15th, September 22nd, September 29th and October 6th. He added October 20th is set as a rain date if we are unable to meet on one of the scheduled dates. Mr. Hall continued in length to talk about the public hearings and what will be presented at these meetings.

Mr. Woodruff had nothing to report.

Mr. Pastore had nothing to report.

Mrs. Kingsley reminded the residents that Heights Fest will be held this weekend and she urged everyone to come out and support them.

Mrs. Cavanaugh reported on the FEMA grant that was received by the Fire Department and said we are proud of the Fire Department and Mrs. Renzulli who did a lot of work. She added we also received the grant for the 2014 Police statewide Labor Day Crackdown. She also said we received the Greening Union County grant for 16 trees. Mrs. Cavanaugh also reported the Rotary Club donated money to the Police Department to assist with replacement of the bullet proof vests. She went on to explain that further. Mrs. Cavanaugh said a mandatory ethics/anti-harassment course for all employees has been scheduled for September 20th. Mrs. Cavanaugh explained some of the ordinances and resolutions that are on the agenda tonight. Mrs. Cavanaugh reported on the DPW work and said they have been working very hard on the pothole repairs.

Mayor Bruno reported he attended the Bottles & Bottega grand opening. He said this is the second sip and paint to open in Berkeley Heights. Mayor Bruno also reported we hosted Senator Booker and Congressman Lance at the award of the Fire Department grant. He said this grant was for a new generator and 25 water proof radios for the Fire Department. Mayor Bruno said this was spearheaded by Jim Hopkins of the Fire Department and volunteer Mrs. Nancy Renzulli who wrote the grant. Mayor Bruno said he met with the Mrs. Rattner, Superintendent of schools last week on the camera installation for the Council chambers. He said hopefully they will be installed in 60-90 days.

Moved by Mr. Hall to accept and approve the Township Council and Administration Reports, seconded by Mr. Pastore and upon roll call vote:

Ayes: Mr. Delia, Mr. Hall, Mr. Woodruff, Mr. Pastore and Mrs. Kingsley

Nays: None Abstain: None Absent: Mr. Pirone

HEARING ON AGENDA ITEMS ONLY

Moved by Mr. Pastore to open the Hearing on the Agenda Items Only, seconded by Mrs. Kingsley and upon roll call vote:

Ayes: Mr. Delia, Mr. Hall, Mr. Woodruff, Mr. Pastore and Mrs. Kingsley

Nays: None Abstain: None Absent: Mr. Pirone

Hearing no voices, moved by Mr. Pastore to close the Hearing on the Agenda Items Only, seconded by Mrs. Kingsley and upon roll call vote:

Ayes: Mr. Delia, Mr. Hall, Mr. Woodruff, Mr. Pastore and Mrs. Kingsley

Nays: None Abstain: None Absent: Mr. Pirone

PUBLIC HEARING AND FINAL ADOPTION OF ORDINANCE INTRODUCED ON JULY 22, 2014.

The Clerk presented and read:

(1) "BOND ORDINANCE PROVIDING FOR IMPROVEMENTS TO VARIOUS ROADS IN AND BY THE TOWNSHIP OF BERKELEY HEIGHTS, IN THE COUNTY OF UNION, NEW JERSEY, APPROPRIATING \$5,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$4,750,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF"

Moved by Mrs. Kingsley to open the public hearing on the ordinance as read by the Township Clerk, seconded by Mr. Pastore and upon roll call vote:

Ayes: Mr. Delia, Mr. Hall, Mr. Woodruff, Mr. Pastore and Mrs. Kingsley

Nays: None Abstain: None Absent: Mr. Pirone

Hearing no voices, moved by Mrs. Kingsley to close the public hearing on the ordinance as read by the Township Clerk, seconded by Mr. Pastore and upon roll call vote:

Ayes: Mr. Delia, Mr. Hall, Mr. Woodruff, Mr. Pastore and Mrs. Kingsley

Nays: None Abstain: None Absent: Mr. Pirone

Moved by Mrs. Kingsley that the ordinance as read by the Township Clerk and hearing held hereon is adopted on final passage and the Township Clerk is directed to advertise it in the Courier News, seconded by Mr. Pastore and upon roll call vote:

Ayes: Mr. Delia, Mr. Hall, Mr. Woodruff, Mr. Pastore and Mrs. Kingsley

Nays: None Abstain: None Absent: Mr. Pirone

The Clerk presented and read:

(2) "BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS OF THE TOWNSHIP OF BERKELEY HEIGHTS, IN THE COUNTY OF UNION, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$783,550 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$743,000 BOND OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF"

Moved by Mr. Pastore to open the public hearing on the ordinance as read by the Township Clerk, seconded by Mr. Hall and upon roll call vote:

Ayes: Mr. Delia, Mr. Hall, Mr. Woodruff, Mr. Pastore and Mrs. Kingsley

Nays: None Abstain: None Absent: Mr. Pirone

Hearing no voices, moved by Mr. Pastore to close the public hearing on the ordinance as read by the Township Clerk, seconded by Mr. Hall and upon roll call vote:

Ayes: Mr. Delia, Mr. Hall, Mr. Woodruff, Mr. Pastore and Mrs. Kingsley

Nays: None Abstain: None Absent: Mr. Pirone

Moved by Mr. Pastore that the ordinance as read by the Township Clerk and hearing held hereon is adopted on final passage and the Township Clerk is directed to advertise it in the Courier News, seconded by Mr. Hall and upon roll call vote:

Ayes: Mr. Delia, Mr. Hall, Mr. Woodruff, Mr. Pastore and Mrs. Kingsley

Nays: None Abstain: None Absent: Mr. Pirone

NEW BUSINESS- RESOLUTION OFFICIAL ACTION WILL BE TAKEN ON THE FOLLOWING:

RESOLUTIONS

Mr. Delia introduced the following resolution:

1. Resolution approving Bill List dated August 12, 2014 in the amount of \$580,305.65.

Moved by Mr. Delia to approve resolution #1, seconded by Mr. Woodruff and upon roll call vote:

Ayes: Mr. Delia, Mr. Hall, Mr. Woodruff, Mr. Pastore and Mrs. Kingsley

Nays: None Abstain: None Absent: Mr. Pirone

Mr. Hall introduced the following resolution:

2. Resolution authorizing the professional services contract with Van Cleef for the provision of on-call licensed operator (S-4) services for the Township Water Pollution Control plant from August 24 to December 31, 2014.

Moved by Mr. Hall to approve resolution #2, seconded by Mrs. Kingsley and upon roll call vote:

Ayes: Mr. Delia, Mr. Hall, Mr. Woodruff, Mr. Pastore and Mrs. Kingsley

Nays: None Abstain: None Absent: Mr. Pirone

Mr. Woodruff introduced the following resolution:

3. Resolution authorizing the "Greening Union County" grant application with the County of Union.

Moved by Mr. Woodruff to approve resolution #3, seconded by Mr. Pastore and upon roll call vote:

Ayes: Mr. Delia, Mr. Hall, Mr. Woodruff, Mr. Pastore and Mrs. Kingsley

Nays: None Abstain: None Absent: Mr. Pirone

Mr. Pastore introduced the following resolution:

4. Resolution authorizing the "Drive Sober or Get Pulled 2014 Statewide Crackdown".

Moved by Mr. Pastore to approve resolution #4, seconded by Mr. Hall and upon roll call vote:

Ayes: Mr. Delia, Mr. Hall, Mr. Woodruff, Mr. Pastore and Mrs. Kingsley

Nays: None Abstain: None

Absent: Mr. Pirone

Mr. Delia introduced the following resolution:

5. Resolution authorizing a release of the performance bond, to 50 Connell Corporate Center in the amount of \$146,568.00.

Moved by Mr. Delia to approve resolution #5, seconded by Mr. Pastore and upon roll call vote:

Ayes: Mr. Delia, Mr. Hall, Mr. Woodruff, Mr. Pastore and Mrs. Kingsley

Nays: None Abstain: None Absent: Mr. Pirone

Joseph Sordillo, Township Attorney pointed out a typo error on resolution #6 for the Collective Bargaining Agreement with the DPW regarding the expiration date and said the expiration date should read December 31, 2018.

Mr. Kingsley introduced the following resolution:

6. Resolution approving the Collective Bargaining Agreement with the Teamsters Local Union #469 for the Department of Public Works for the period January 1, 2014 to December 31, 2017.

Moved by Mrs. Kingsley to approve resolution #6, seconded by Mr. Woodruff and upon roll call vote:

Ayes: Mr. Hall, Mr. Woodruff, Mr. Pastore and Mrs. Kingsley

Nays: Mr. Delia Abstain: None Absent: Mr. Pirone

Mr. Woodruff introduced the following resolution:

7. Resolution authorizing the use of the composting facility with the County of Union.

Moved by Mr. Woodruff to approve resolution #7, seconded by Mrs. Kingsley and upon roll call vote:

Ayes: Mr. Delia, Mr. Hall, Mr. Woodruff, Mr. Pastore and Mrs. Kingsley

Nays: None Abstain: None Absent: Mr. Pirone

Mr. Hall introduced the following resolution:

8. Resolution authorizing Garden State Fireworks to have a fireworks display on August 16 and August 29, 2014 at Mt. Carmel Field.

Moved by Mr. Hall to approve resolution #8, seconded by Mr. Pastore and upon roll call vote:

Ayes: Mr. Delia, Mr. Hall, Mr. Woodruff, Mr. Pastore and Mrs. Kingsley

Nays: None Abstain: None Absent: Mr. Pirone

CONSENT AGENDA

All matters listed under Consent Agenda are considered routine by the Township Council and will be enacted upon by one motion; there will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

Mr. Pastore introduced the following resolutions:

(9)

- a. Resolution endorsing the application of Kevin Jow, from the Berkeley Heights Rescue Squad for a blue light permit.
- b. Resolution authorizing a block party on Baker Avenue on September 6, 2014 from 1:00-10:00 p.m.
- c. Resolution authorizing the Tax Collector to refund the following 2014 tax overpayments:

Stephen & Eve Balboni
 Aaron & Torrey A. Skloff
 Wentworth Drive
 \$3,382.72
 \$237.31

Moved by Mr. Pastore to approve Consent Agenda resolutions #9a-c, seconded by Mr. Hall and upon roll call vote:

Ayes: Mr. Delia, Mr. Hall, Mr. Woodruff, Mr. Pastore and Mrs. Kingsley

Nays: None Abstain: None Absent: Mr. Pirone

ORDINANCES

INTRODUCTION OF ORDINANCES Public Hearing and Final Adoption scheduled for August 26, 2014

The Clerk presented and read:

(1) "AN ORDINANCE OF THE TOWNSHIP OF BERKELEY HEIGHTS, COUNTY OF UNION, STATE OF NEW JERSEY, AMENDING, REVISING AND SUPPLEMENTING CHAPTER 2.112 ENTITLED "ADMINISTRATION AND PERSONNEL" TO AMEND AND UPDATE THE PROVISIONS GOVERNING THE BERKELEY HEIGHTS VOLUNTEER FIRE DEPARTMENT."

Moved by Mr. Woodruff that the ordinance as read by the Township Clerk is offered on first reading and the date of 8/26/14 is set as the date for public hearing and the Township Clerk is directed to advertise it in the Courier News, seconded by Mr. Pastore and upon roll call vote:

Ayes: Mr. Delia, Mr. Hall, Mr. Woodruff, Mr. Pastore and Mrs. Kingsley

Nays: None Abstain: None Absent: Mr. Pirone

The Clerk presented and read:

(2) "AN ORDINANCE OF THE TOWNSHIP OF BERKELEY HEIGHTS, COUNTY OF UNION, STATE OF NEW JERSEY, AMENDING, REVISING AND SUPPLEMENTING SECTION 2.100.040 ENTITLED "QUALIFICATIONS FOR APPOINTMENT" OF CHAPTER 2.100 ENTITLED "POLICE DIVISION" OF TITLE 2 ENTITLED "ADMINISTRATION AND PERSONNEL" TO AMEND AND UPDATE THE PROVISIONS GOVERNING THE MINIMUM REQUIREMENTS FOR NEW HIRES IN THE POLICE DIVISION OF THE DEPARTMENT OF PUBLIC SAFETY." (Explanation: This ordinance amends and updates the Township's Administrative Code (Title 2 of the code of the Township of Berkeley Heights) as adopted by Ordinance No. 2-2010, and revised by Ordinance No. 14-2010) to amend the requirements for new hires in the Police Division of the Department of Public Safety.)

Moved by Mrs. Kingsley that the ordinance as read by the Township Clerk is offered on first reading and the date of 8/26/14 is set as the date for public hearing and the Township Clerk is directed to advertise it in the Courier News, seconded by Mr. Pastore and upon roll call vote:

Ayes: Mr. Delia, Mr. Hall, Mr. Woodruff, Mr. Pastore and Mrs. Kingsley

Nays: None Abstain: None Absent: Mr. Pirone

CITIZENS HEARING

Moved by Mr. Hall to open the Citizens Hearing, seconded by Mr. Pastore and upon roll call vote:

Ayes: Mr. Delia, Mr. Hall, Mr. Woodruff, Mr. Pastore and Mrs. Kingsley

Nays: None Abstain: None Absent: Mr. Pirone

Gerald Kuzmik of Eaton Court asked if there was any facility in the Township of Berkeley Heights to accommodate the leaf composting instead of paying the County of Union.

Mayor Bruno responded there is nothing in Berkeley Heights and explained further.

Mr. Kuzmik asked for progress on the river cleaning.

Mrs. Cavanaugh responded we are still in the process of working out the terms of the agreement for the grant with Union County and the other towns. She said she has nothing more to report. She went on to explain further.

A discussion continued. Mr. Kuzmik continued with his comments and questions.

A resident of Roland Road informed the Council his road is in desperate need of repair. He showed the Council pictures that the residents have taken of the road. He said his road is not on the road repair list and he would like to get Roland Road on the list.

Mayor Bruno said he will give this information to the DPW and they will look into it.

Camille Aragona of 56 Chaucer Drive told the Council that there are four outstanding Township employees, Linda Cavanaugh, Ana Minkoff, Linda Santillo and Rachele SanFilippo. She said they are great assets to the Township. Mrs. Aragona said the Fire Department SUV's do not have any logos or town identification on them and she asked if there is a reason for that. She said the DPW contract reads the normal working hours are 7:00 a.m. to 3:30 p.m., two 15 minute breaks and a half hour lunch. Mrs. Aragona went on to talk about the personal use of Township property. Mrs. Aragona thanked Mr. Hall for the explanation of the public hearings that are going to be held for the land swap but she said the word from Township employees is that this is a done deal. Mrs. Aragona said if it is not this should be straightened out and she continued with her comments regarding the land swap.

Mayor Bruno responded to Mrs. Aragona's comments regarding the land swap and he said it is not a done deal. He said public hearings will be held and we will do the best we can to inform the public and convince the public it is a good deal. Mayor Bruno continued in length on the land swap.

A discussion continued. Mrs. Aragona continued with her comments. Mr. Hall responded to Mrs. Aragona's comments regarding the land swap.

John Mondelli of 716 Springfield Avenue said he has been known to make complaints and challenge some things. He said everything that he has ever challenged he has had proof. He said it is unfair for someone to come up and make accusations without any backing.

Mike Mathis of Spring Ridge Drive thanked the Township Council for compromising on the Police ordinance. He said it is a good resolution that the Council came to. Mr. Mathis also said Acting Chief DiPasquale and Acting Lt. Dietch are doing a great job.

A resident of 20 Timber Drive said he has not heard anything regarding the pilgrim pipeline and he asked if there are any updates. He said it will affect a lot of people and he asked if there is anything we can do about it.

Mayor Bruno said there is a copy of the presentation that was done at a Township Council meeting on the pilgrim pipeline available. Mayor Bruno asked Mrs. Cavanaugh to get a copy of this presentation to the resident. Mayor Bruno went on to explain there have been no updates on the pipeline. He went on to explain further.

A resident of 20 Timber Drive asked the Council if they are willing to pass a resolution like Parsippany did opposing the pipeline.

A discussion continued on the pilgrim pipeline.

Mr. Gupta of Timber Drive spoke about the property at 100 Locust Avenue and said there is demolition going on. He spoke about the noise and asked if there is any status on the property.

A discussion continued on the activity and noise at 100 Locust Street. Mayor Bruno asked Mr. Bocchino to have Robin Greenwald look into the matter.

Hearing no voices, moved by Mr. Hall to close the Citizens Hearing, seconded by Mr. Pastore and upon roll call vote:

Ayes: Mr. Delia, Mr. Hall, Mr. Woodruff, Mr. Pastore and Mrs. Kingsley

Nays: None Abstain: None Absent: Mr. Pirone

EXECUTIVE SESSION – 1. Contract Negotiations/Land Acquisition-Little Flower Church
2.Attorney/Client Privilege-Litigation-Mathis v. Berkeley Heights
3.Attorney/Client Privilege-Litigation-Foregger v. Berkeley Heights
4.Attorney/Client Privilege-Litigation-Matula v. Berkeley Heights

Moved by Mrs. Kingsley to go into Executive Session, seconded by Mr. Pastore and upon roll call vote: (9:57 p.m.)

Joseph Sordillo, Township Attorney noted that there is no belief that any action will be taken after Executive Session. The intention is to adjourn the meeting when the Council comes out of Executive Session.

Ayes: Mr. Delia, Mr. Hall, Mr. Woodruff, Mr. Pastore and Mrs. Kingsley

Nays: None Abstain: None Absent: Mr. Pirone

Moved by Mrs. Kingsley to go out of Executive Session, seconded by Mr. Pastore and upon roll call vote: (10:35 p.m.)

Ayes: Mr. Delia, Mr. Hall, Mr. Woodruff, Mr. Pastore and Mrs. Kingsley

Nays: None Abstain: None Absent: Mr. Pirone

ADJOURNMENT

Moved by Mr. Woodruff to adjourn, seconded by Mr. Hall and upon roll call vote: (10:33)

Ayes: Mr. Delia, Mr. Hall, Mr. Woodruff, Mr. Pastore and Mrs. Kingsley

Nays: None Abstain: None Absent: Mr. Pirone

Approved: August 26, 2014